

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-11 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 ACDA-19 TRSE-00 SAJ-01 CU-05 CIEP-03 COME-00

AEC-11 IO-14 OIC-04 OMB-01 SAM-01 EB-11 SCI-06 NSF-04

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NSC:MHIGGINS

PM:JSALMON

ACDA:HIRSFHFELD

EUR:SOV:GHUMPHREY

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FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO ALL NATO CAPITALS

AMEMBASSY VIENNA

USNMR SHAPE BRUSSELS

USCINCEUR VAIHAIGEN GER

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C O N F I D E N T I A L STATE 163091

E.O. 11652: GDS

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TAGS: PFOR, NATO

SUBJECT: CSCE IMPLEMENTATION OF PRINCIPLES - NON-USE OF
FORCE

REFS: GENEVA 4558, 4559, 4648

1. CONCERNING ROMANIAN AND BULGARIAN PROPOSALS ON EXCLUSION
OF FOREIGN TROOPS FROM TERRITORY OF STATE WITHOUT ITS
CONSENT, YOU MAY INFORM ALLIES THAT WE CAN ACCEPT LANGUAGE
ON THIS SUBJECT IN SECTION ON NON-USE OF FORCE, BUT ONLY IF
PROPERLY QUALIFIED SO THAT ACTS WHICH ARE CONSISTENT WITH
UN CHARTER ARE NOT PROHIBITED. REFERENCES IN BRACKETS IN
PARA 3 GENEVA 4558 TO SECURITY COUNCIL AND PEACEKEEPING
FUNCTIONS ARE NOT SUFFICIENT; FOR EXAMPLE, STATES MAY FIND
IT NECESSARY, IN EXERCISE OF INDIVIDUAL OR COLLECTIVE SELF-
DEFENSE UNDER CHARTER, TO EMJMR OCCUPY TERRITORY OF
ANOTHER STATE WITHOUT ITS CONSENT.

2- WE WOULD THEREFORE HAVE TO INIST THAT QUALIFYING PHRASE
"IN CONTRAVENTION OF THE CHARTER OF THE UN" BE INCORPORATED
IN APPROPRIATE WAY IN BOTH ROMANIAN OR BULGARIAN TEXTS.
FOR EXAMPLE, ROMANIAN PROPOSAL COULD BE MODIFIED TO STATE
"TO REFRAIN FROM ENTERING OR MAINTAINING TROOPS IN THE
TERRITORY OF ANOTHER
PARTICIPATING STATE IN CONTRAVENTION
OF THE UNITED NATIONS CHARTER." BULGARIAN PROPOSAL IS MORE

CUMBERSOME, BUT WOULD BE ACCEPTABLE WITH INSERTION OF "IN
CONTRAVENTION OF THE UNITED NATIONS CHARTER" IN SUCH A WAY
ASHO QUALIFY REFERENCES TO BOTH (1) INVASION OR ATTACK
AND (2) USE OF ARMED FORCES. REFERENCE TO CHARTER IS
NECESSARY TO MAKE EITHER PROPOSAL CONSISTENT WITH
DEFINITION OF AGGRESSION DRAFTED BY UN SPECIAL COMMITTEE,
SINCE INTRODUCTORY LANGUAGE OF ART. 3OF THAT DEFINITION
INCGPORATES QUALIFICATIONS IN ART. 2, INCLUDING
REFERENCE TO CHARTER.

3. YOU SHULD STRONGLY RESIST ANY ATTEMPT TO SPECIFY WHAT
MIGHT BE LAWFUL UNDER THE CHARTER, AS BRACKETED TEXT
(PARA 3, GENEVA 4558) APPEARS TO DO AND YOU SHOULD THERE-
FORE STICK TO GENERAL CHARTER REFERENCE AS SUGGESTED
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ABOVE. INGERSOLL

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